



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

ELP

Docket No. 6092-99
17 December 1999

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF [REDACTED],
[REDACTED]

Ref: (a) 10 U.S.C.1552

Encl: (1) DD Form 149
(2) Case Summary
(3) Subject's Naval Record

1. Pursuant to the provisions of reference (a), Petitioner, a former enlistment of the United States Navy, applied to this Board requesting, in effect, that his reenlistment code be changed.

2. The Board, consisting of Messrs. Pfeiffer, Kastner, and Bartlett reviewed Petitioner's allegations of error and injustice on 15 December 1999, and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Although it appears that Petitioner's application to the Board was not filed in a timely manner, it is in the interest of justice to waive the statute of limitations and review the application on its merits.

c. The military records provided for review were incomplete. However, available records show that Petitioner

enlisted in the Navy on 15 June 1990 for four years at age 19. The medical record reflects that on 2 October 1990 he was admitted to an Air Force hospital for sudden onset of back pain while in morning formation. It was noted that he had been seen on the previous morning for chest pain and anxiety with hyperventilation. On 20 October 1990, he was again admitted for muscle spasms in his back, and to rule out an anxiety disorder. No history of trauma or injury was noted and the neurological examination was normal.

d. The medical record further reflects that on 19 December 1990 Petitioner was admitted to a naval hospital and was released from treatment on 7 January with a diagnosis of borderline personality with a severe transient psychotic episode. He was placed on medication and administrative separation was recommended.

e. On 22 February 1991, Petitioner was honorably discharged by reason of "Disability-Existed Prior to Service as Established by a Physical Evaluation Board" and was assigned an RE-4 reenlistment code. The specific disability for which he was discharged is not shown in the record. He had no disciplinary actions during his period of service.

f. Regulations authorize the assignment of an RE-3P or RE-4 reenlistment code to individuals discharged by reason of physical disability. An RE-3P reenlistment code means that the individual is eligible for reenlistment except for the disqualifying factor which led to discharge. An RE-4 reenlistment code means that the individual is not eligible for reenlistment without prior approval from Commander, Naval Personnel Command.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants favorable action. In this regard, the Board notes Petitioner served for more than eight months and had no disciplinary actions. Absent evidence to the contrary, there appears to be no demonstrable reason for the assignment of the more restrictive RE-4 reenlistment code. The Board believes it would be appropriate and just to change his reenlistment code to RE-3P.

RECOMMENDATION:

a. That Petitioner's naval record be corrected by changing the RE-4 reenlistment code, assigned on 22 February 1991, to RE-3P. This should include the issuance of a new DD Form 214.

b. That any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed or completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.

c. That any material directed to be removed from Petitioner's naval record be returned to the Board, together with a copy of this Report of Proceedings, for retention in a confidential file maintained for such purpose, with no cross references being made a part of Petitioner's naval record.

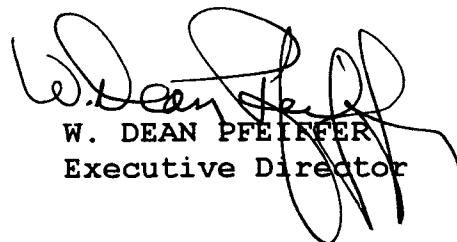
4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN
Recorder



ALAN E. GOLDSMITH
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6 (e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6 (e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.



W. DEAN PFEIFFER
Executive Director